

vestri Brand" (design of Italian city, volcano, and bay, with cut of factory) "Gragnano Italy" (or "Style").

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Mulino & Pastificio Elettrico Silvestri Brand Gragnano Italy," together with the design and device of the city of Naples with Vesuvius, borne on the labels attached to the boxes containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a foreign product; to wit, a macaroni manufactured and produced in the kingdom of Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product, whereas, in truth and in fact, said article was not a foreign product; but was a domestic product, to wit, a macaroni manufactured and produced in the United States of America. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured and produced in that it was represented as manufactured and produced in the kingdom of Italy, whereas, in truth and in fact, it was manufactured and produced in the United States of America, and for the further reason that the statements, designs, and devices on the label as aforesaid purported that said article was a foreign product, when not so.

On November 10, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8795. Adulteration of shell eggs. U. S. \* \* \* v. Newt T. Peek, Ben A. Peek, Isaac M. Lawson, and W. Massie Lawson (Peek & Lawson). Pleas of guilty. Fine, \$50. (F. & D. No. 11354. I. S. No. 6826-r.)**

On June 22, 1920, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Newt T. Peek, Ben A. Peek, Isaac M. Lawson, and W. Massie Lawson, copartners, trading as Peek & Lawson, Box Elder, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 1, 1919, from the State of Texas into the State of Arkansas, of a quantity of shell eggs which were adulterated.

Examination of 180 eggs from each of two cases showed the presence of 49 inedible eggs, or 13.6 per cent, consisting of black rots, mixed or white rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 19, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*

**8796. Misbranding of Manhood Pills, Phoenix Chill Cure, Spanish No-Kink or Hair Straightener, and Phoenix Skin Success Ointment. U. S. \* \* \* v. Lewis A. Fitzpatrick, Sr., and Lewis A. Fitzpatrick, Jr. (The Fitzpatrick Co.). Pleas of guilty. Fine, \$120 and costs. (F. & D. No. 12339. I. S. Nos. 5599-r, 6138-r, 6139-r, 6147-r.)**

On or about June 29, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Lewis A. Fitzpatrick, Sr., and Lewis A. Fitzpatrick, Jr., trading as The Fitzpatrick Co., Helena, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 20, 1919, from the State of Arkansas into the State of Oklahoma, of a quantity of Manhood Pills, on or about December 31, 1919, and February 22, 1919, respectively, from the State of Arkansas into the State of Mississippi, of quantities of Phoenix Chill Cure and Spanish No-Kink or Hair Straightener, and on or about February 24, 1919, from the State of Arkansas into the State of Louisiana, of a quantity of Phoenix Skin Success Ointment, all of which were misbranded. The articles were labeled in part: "Manhood Pills \* \* \* Phoenix Mfg. Co., Helena, Ark.;" "Phoenix Trade Mark Tasteless Chill Cure \* \* \* Prepared by Phoenix Mfg. Co., Helena, Ark.;" "Spanish No-Kink or Hair Straightener \* \* \* The Fitzpatrick Co., Helena, Ark.;" and "Phoenix Skin Success Ointment \* \* \* Contains 10% Mercuric Oxide, Made only by Phoenix Mfg. Co., Helena, Ark."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results: The Manhood Pills were pills, each containing very small quantities of strychnine (possibly with nux vomica), zinc (probably as phosphid), and cantharides, together with plant extractives from damiana; the Phoenix Tasteless Chill Cure was a sirup prepared from glucose, containing quinine, sulphuric acid, and plant extractives from senna and possibly licorice, together with a small amount of alcohol; the Spanish No-Kink was a mineral jelly scented with citronella; and the Phoenix Skin Success Ointment was a soft wax scented with citronella, and consisting of mineral wax, talc, and carbonate of lime, with mercury compounds absent.

Misbranding of the articles was alleged in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes, bottles, or cartons containing the article or in the circular or leaflet accompanying the article, falsely and fraudulently represented them to be effective, in the case of the Manhood Pills, to restore lost manhood and bring strong, healthy sexual power; in the case of the Phoenix Chill Cure, as a preventive, treatment, remedy, and cure for chills and fever, bilious, intermittent and remittent fevers, dumb and aching ague, and all malarial disorders, to drive out all the poison that is in the body and put the blood in good fix; in the case of the Spanish No-Kink, as a preventive, treatment, remedy, and cure for head itch, tetter, and all scalp troubles, to remove dandruff and the cause of dandruff, to eradicate all diseases of the scalp, to make the scalp healthy, and to cause five hairs to grow in place of one; and in the case of the Phoenix Skin Ointment, to remove permanently all pimples, as a preventive, treatment, remedy, and cure for eczema and all other itching skin troubles and eruptions, including acne, salt rheum, tetter, ring worm, and all parasitic skin diseases, running sores, and scalp troubles, skin roughness, blotches, and all diseases of the skin, when, in truth and in fact, they were not. Misbranding of the Phoenix Tasteless Chill Cure and Phoenix Skin Success Ointment was alleged for the further reason that the statements, to wit, "Tasteless," "Entirely Vegetable," and "It has Iron in it," or "Contains 10% Red Mercuric Oxide," borne on the cartons or boxes containing the respective articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that the Phoenix Chill Cure was tasteless, that it was entirely vegetable, and that it contained an appreciable amount of iron, and that the Phoenix Skin Ointment contained 10 per cent of red mercuric oxid, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the Phoenix Chill Cure was tasteless, that it was entirely vegetable, and

that it contained an appreciable amount of iron, and that the Phoenix Skin Ointment contained 10 per cent of red mercuric oxid, whereas, in truth and in fact, the Phoenix Chill Cure was not tasteless, was not entirely vegetable, and contained little, if any, iron, and the Phoenix Skin Ointment did not contain 10 per cent of red mercuric oxid, but contained a less amount.

On October 5, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$120 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**S797. Adulteration of tomato purée. U. S. \* \* \* v. 300 Cases of Canned Tomato Purée. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12663. I. S. No. 7289-r. S. No. C-1948.)

On May 26, 1920, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 48 cans of tomato purée, consigned by Morgan Packing Co., Austin, Ind., April 16, 1920, remaining unsold in the original packages at Louisville, Ky., alleging that the article had been transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Scott Brand Tomato Puree;" (can) "Scott Co. Brand Tomato Puree ~ ~ ~ Morgan Packing Co., Austin, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On July 1, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**S798. Misbranding of Sirop D'Anis. U. S. \* \* \* v. 5 Bottles, 30 Bottles, and 48 Bottles of Sirop D'Anis Gauvin Composé. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12760, 12761, 12762. I. S. Nos. 8898-r, 8899-r, 8900-r. S. Nos. C-1950, C-1951, C-1952.)

On June 2, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 bottles, 30 bottles, and 48 bottles of an article of drugs, labeled in part, "Sirop D'Anis Gauvin Composé," remaining unsold in the original unbroken packages at Escanaba and Schaffer, Mich., alleging that the article had been shipped and transported from the State of Massachusetts into the State of Michigan, by J. A. E. Gauvin, Lowell, Mass., on or about March 1, March 13, and April 15, 1920, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle, March 1 shipment) "For Babies \* \* \* A preparation for soothing pain in cases of Colic, Dysentery, Coughs, and colds; Recommended for babies and children when process of dentition is painful;" (bottle, remaining shipments) "For Babies \* \* \* This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and Painful Dentition \* \* \*," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc.;" (wrapper, all shipments) "For Babies \* \* \* This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc.," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.;" (circular, all shipments) "For Babies \* \* \* A preparation for soothing pain in cases of Colic, Dysentery,